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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 08 DEC 2004



REPORT PCT

Applicant's or agent's file reference 115558 KA44		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NO 03/00324	International filing date (day/month/year) 24.09.2003	Priority date (day/month/year) 25.09.2002	
International Patent Classification (IPC) or both national classification and IPC B60G17/015			
Applicant KONGSBERG AUTOMOTIVE ASA et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 16.04.2004	Date of completion of this report 07.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Bolte, U Telephone No. +49 89 2399-7431 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO 03/00324

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO 03/00324

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

State of the art:

Document (D2) WO 99 28636 A1 cited in the search report forms the relevant state of the art. It discloses a V-rod arrangement for fastening an axle housing to a vehicle frame.

Distinguishing features:

Claim 1 of the actual application is distinguished from the state of the art in that an angle detection means is integrated into the central ball bearing of the V-rod arrangement located on the axle housing.

Objective task:

There was to design an improved system for height detection of the axle in relation to the chassis.

Grounds for the statement:

The subject-matter of the present application is considered as new (Art. 33(2) PCT) (see above) and implies an inventive step (Art. 33(3) PCT), as none of the opposing documents gives a hint to integrate sensor means in the ball bearing of a suspension arrangement to accomplish the above task. Claims 2 to 11 depending on claim 1 are showing further embodiments of the invention. Document (D1) EP-A-0 617 260 discloses a height detection sensor formed as a ball bearing, but this arrangement is intended to be used as a separate element in a suspension arrangement.

Industrial applicability:

The subject-matter of the present application is considered as industrially applicable (Art. 33(4) PCT) as it is used in the commercial vehicles industry.

Certain defects in the international application

- Concerning the description

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein. It should be stated in the description that document D1 forms the closest prior art from which the invention departs and which forms the base for the preamble of independent claim 1.

**INTERNATIONAL PRELIMINARY
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International application No. PCT/NO 03/00324

Certain observations on the international application

2. It seems that claim 8 should be backreferenced to claims 1 and 2 to avoid clarity problems (Art. 6 PCT) as claims 3 and 4 describe registration arrangements that try to avoid mechanical connection of identification and sensor.